



Rep. Kathleen A. Ryg

Filed: 3/31/2004

09300HB5370ham001

LRB093 17046 RXD 48315 a

1 AMENDMENT TO HOUSE BILL 5370

2 AMENDMENT NO. _____. Amend House Bill 5370 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by changing
5 Sections 6z-50 as follows:

6 (30 ILCS 105/6z-50)

7 Sec. 6z-50. Brain Injury and Spinal Cord Injury Trust Fund.
8 The Brain Injury and Spinal Cord Injury Trust Fund is created
9 as a special fund in the State treasury. Subject to
10 appropriations, the Department of Human Services shall use
11 moneys in the Fund to fund community-based rehabilitation
12 services programs in accordance with priorities and criteria
13 established by the Brain and ~~Advisory Council on~~ Spinal Cord
14 Injury Advisory Council ~~and Head Injuries~~.

15 (Source: P.A. 91-737, eff. 6-2-00.)

16 Section 10. The Head and Spinal Cord Injury Act is amended
17 by changing Sections 0.01, 1, 2, 3, and 6 as follows:

18 (410 ILCS 515/0.01) (from Ch. 111 1/2, par. 7850)

19 Sec. 0.01. Short title. This Act may be cited as the Brain
20 ~~Head~~ and Spinal Cord Injury Act.

21 (Source: P.A. 86-1324.)

1 (410 ILCS 515/1) (from Ch. 111 1/2, par. 7851)

2 Sec. 1. As used in this Act, unless the context clearly
3 indicates otherwise:

4 (a) "Department" means the Department of Public Health.

5 (b) "Brain Head injury" means a sudden insult or damage to
6 the brain or its coverings, not of a degenerative nature, which
7 produces an altered state of consciousness or temporarily or
8 permanently impairs mental, cognitive, behavioral or physical
9 functioning. This includes cerebral vascular accidents and
10 aneurisms. ~~and~~ Congenital deficits are excluded from this
11 definition.

12 (c) "Spinal cord injury" means an injury that occurs as a
13 result of trauma, which involves spinal vertebral fracture, or
14 where the injured person suffers any of the following effects:

15 (1) effects on the sensory system including numbness,
16 tingling or loss of sensation in the body or in one or more
17 extremities;

18 (2) effects on the motor system including weakness or
19 paralysis in one or more extremities;

20 (3) effects on the visceral system including bowel or
21 bladder dysfunction or hypotension.

22 (d) "Council" means the Brain and ~~Advisory Council on~~
23 Spinal Cord Injury Advisory Council ~~and Head Injuries~~.

24 (Source: P.A. 86-510.)

25 (410 ILCS 515/2) (from Ch. 111 1/2, par. 7852)

26 Sec. 2. Information; reports.

27 (a) The Department shall establish and maintain an
28 information registry and reporting system for the purpose of
29 data collection and needs assessment of persons with brain head
30 and spinal cord injuries ~~injured persons~~ in this State.

31 (b) Reports of brain head and spinal cord injuries shall
32 be filed with the Department by a hospital administrator or his
33 designee on a quarterly basis.

1 (c) Reporting forms and the manner in which the
2 information is to be reported shall be provided by the
3 Department. Such reports shall include, but shall not be
4 limited to, the following information: name, age, and residence
5 of the injured person, the date and cause of the injury, the
6 initial diagnosis and such other information as may be required
7 by the Department.

8 (Source: P.A. 86-510; 87-691.)

9 (410 ILCS 515/3) (from Ch. 111 1/2, par. 7853)

10 Sec. 3. (a) All reports and records made pursuant to this
11 Act and maintained by the Department and other appropriate
12 persons, officials and institutions pursuant to this Act shall
13 be confidential. Information shall not be made available to any
14 individual or institution except to:

15 (1) appropriate staff of the Department;

16 (2) any person engaged in a bona fide research project,
17 with the permission of the Director of Public Health, except
18 that no information identifying the subjects of the reports or
19 the reporters shall be made available to researchers unless the
20 Department requests and receives consent for such release
21 pursuant to the provisions of this Section; and

22 (3) the Council, except that no information identifying
23 the subjects of the reports or the reporters shall be made
24 available to the Council unless consent for release is
25 requested and received pursuant to the provisions of this
26 Section. Only information pertaining to brain ~~head~~ and spinal
27 cord injuries as defined in Section 1 of this Act shall be
28 released to the Council.

29 (b) The Department shall not reveal the identity of a
30 patient, physician or hospital, except that the identity of the
31 patient may be released upon written consent of the patient,
32 parent or guardian, the identity of the physician may be
33 released upon written consent of the physician, and the

1 identity of the hospital may be released upon written consent
2 of the hospital.

3 (c) The Department shall request consent for release from
4 a patient, a physician or hospital only upon a showing by the
5 applicant for such release that obtaining the identities of
6 certain patients, physicians or hospitals is necessary for his
7 bonafide research directly related to the objectives of this
8 Act.

9 (d) The Department shall at least annually compile a
10 report of the data accumulated through the reporting system
11 established under Section 2 of this Act and shall submit such
12 data relating to spinal cord injuries and brain ~~head~~ injuries
13 in accordance with confidentiality restrictions established
14 pursuant to this Act to the Council.

15 (Source: P.A. 86-510.)

16 (410 ILCS 515/6) (from Ch. 111 1/2, par. 7856)

17 Sec. 6. Advisory Council.

18 (a) There is hereby created the Brain and ~~Advisory Council~~
19 ~~on~~ Spinal Cord Injury Advisory Council and ~~Head Injuries~~ within
20 the Department of Human Services.

21 Until July 1, 2004 or when all of the new members to be
22 initially appointed under this amendatory Act of the 93rd
23 General Assembly have been appointed by the Governor, whichever
24 occurs later, the Council shall consist of 29 members,
25 appointed by the Governor with the advice and consent of the
26 Senate. ~~Members shall serve 3 year terms and until their~~
27 ~~successors are appointed by the Governor with the advice and~~
28 ~~consent of the Senate. The members appointed by the Governor~~
29 ~~shall include 2 neurosurgeons, 2 orthopedic surgeons, 2~~
30 ~~rehabilitation specialists, one of whom shall be a registered~~
31 ~~nurse, 4 persons with head injuries or family members of~~
32 ~~persons with head injuries, 4 persons with spinal cord injuries~~
33 ~~or family members of persons with spinal cord injuries, a~~

1 ~~representative of an Illinois college or university, and a~~
2 ~~representative from health institutions or private industry.~~
3 ~~These members shall not serve more than 2 consecutive 3-year~~
4 ~~terms. The Governor shall appoint one individual from each of~~
5 ~~the following entities to the Council as ex officio members:~~
6 ~~the unit of the Department of Human Services that is~~
7 ~~responsible for the administration of the vocational~~
8 ~~rehabilitation program, another unit within the Department of~~
9 ~~Human Services that provides services for individuals with~~
10 ~~disabilities, the State Board of Education, the Department of~~
11 ~~Public Health, the Department of Insurance, the Department of~~
12 ~~Public Aid, the Division of Specialized Care for Children of~~
13 ~~the University of Illinois, the Statewide Independent Living~~
14 ~~Council, and the State Rehabilitation Advisory Council.~~
15 ~~Ex officio members are not subject to limit of 2 consecutive~~
16 ~~3-year terms.~~ The appointment of individuals representing
17 State agencies shall be conditioned on their continued
18 employment with their respective agencies.

19 The term of each appointed member of the Council who is in
20 office on June 30, 2004 shall terminate at the close of
21 business on that date or when all of the new members to be
22 initially appointed under this amendatory Act of the 93rd
23 General Assembly have been appointed by the Governor, whichever
24 occurs later.

25 (a-5) Beginning on July 1, 2004 or when all of the new
26 members to be initially appointed under this amendatory Act of
27 the 93rd General Assembly have been appointed by the Governor,
28 whichever occurs later, the Council shall consist of 12
29 individual members and 3 agency members appointed by the
30 Governor with the advice and consent of the Senate.

31 The individual members appointed by the Governor shall
32 consist of 2 physicians, one of whom specializes in the care
33 and rehabilitation of persons with brain injury and one of whom
34 specializes in the care and rehabilitation of persons with

1 spinal cord injury; 2 rehabilitation therapists, one of whom
2 specializes in the care and rehabilitation of persons with
3 brain injury and one of whom specializes in the care and
4 rehabilitation of persons with spinal cord injury; one
5 certified rehabilitation registered nurse (CRRN); 2 persons
6 with brain injury or family members of persons with brain
7 injury; 2 persons with spinal cord injury or family members of
8 persons with spinal cord injury; and one person affiliated with
9 a health care institution; one advocate representing brain
10 injuries from Illinois; and one advocate representing spinal
11 cord injuries from Illinois.

12 The agency members appointed by the Governor shall consist
13 of one representative of each of the following agencies: the
14 unit within the Department of Human Services that provides
15 services for individuals with disabilities; the State Board of
16 Education; and the Division of Specialized Care for Children of
17 the University of Illinois. The appointments of agency members
18 shall be conditioned on their continued employment with their
19 respective agencies.

20 Of the members initially appointed pursuant to this
21 amendatory Act of the 93rd General Assembly, 5 shall be
22 appointed for terms of one year, 5 shall be appointed for terms
23 of 2 years, and 5 shall be appointed for terms of 3 years, and
24 until their successors have been appointed and qualified.
25 Thereafter, members shall be appointed for 3-year terms and
26 until their successors have been appointed and qualified.

27 (b) From funds appropriated for such purpose, the
28 Department of Human Services shall provide to the Council the
29 necessary staff and expenses to carry out the duties and
30 responsibilities assigned by the Council. Such staff shall
31 consist of a director and other support staff.

32 (c) Meetings shall be held at least every 90 days or at
33 the call of the Council chairman, who shall be appointed by the
34 Governor from among the members of ~~elected by~~ the Council.

1 (d) Each member shall be reimbursed for reasonable and
2 necessary expenses actually incurred in the performance of his
3 official duties.

4 (e) The Council shall adopt written procedures to govern
5 its activities. Consultants shall be provided for the Council
6 from appropriations made for such purpose.

7 (f) The Council shall make recommendations to the
8 Governor for developing and administering a State plan to
9 provide services for persons with brain injury and persons with
10 spinal cord injury ~~and head-injured persons~~.

11 (g) No member of the Council may participate in or seek to
12 influence a decision or vote of the Council if the member would
13 be directly involved with the matter or if he would derive
14 income from it. A violation of this prohibition shall be
15 grounds for a person to be removed as a member of the Council
16 by the Governor.

17 (h) The Council shall:

18 (1) promote meetings and programs for the discussion
19 of reducing the debilitating effects of brain injuries and
20 spinal cord ~~and head~~ injuries and disseminate information
21 in cooperation with any other department, agency or entity
22 on the prevention, evaluation, care, treatment and
23 rehabilitation of persons affected by brain injuries and
24 spinal cord ~~and head~~ injuries;

25 (2) study and review current prevention, evaluation,
26 care, treatment and rehabilitation technologies and
27 recommend appropriate preparation, training, retraining
28 and distribution of manpower and resources in the provision
29 of services to persons with brain injury and spinal cord
30 injury ~~and head-injured persons~~ through private and public
31 residential facilities, day programs and other specialized
32 services;

33 (3) recommend specific methods, means and procedures
34 which should be adopted to improve and upgrade the State's

1 service delivery system for persons with brain injury and
2 persons with spinal cord injury in ~~and head-injured~~
3 ~~citizens of~~ this State;

4 (4) participate in developing and disseminating
5 criteria and standards which may be required for future
6 funding or licensing of facilities, day programs and other
7 specialized services for persons with brain injury and
8 persons with spinal cord injury ~~and head-injured persons~~ in
9 this State;

10 (5) report annually to the Governor and the General
11 Assembly on its activities, and on the results of its
12 studies and the recommendations of the Council; and

13 (6) be the advisory board for purposes of federal
14 programs regarding traumatic brain injury.

15 (i) The Department of Human Services may accept on behalf
16 of the Council federal funds, gifts and donations from
17 individuals, private organizations and foundations, and any
18 other funds that may become available.

19 (Source: P.A. 89-507, eff. 7-1-97; 90-453, eff. 8-16-97.)".